

REMARKS

In the Office Action claims 1-4, 11, 14 and 17-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,055,434 to Seraj. Further, claims 5, 10, 12 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Seraj in view of U.S. Patent No. 5,552,772 to Janky et al. Moreover, claims 6-9, 15 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Seraj in view of U.S. Patent Application Publication No. 20040092275 to Krasner et al. Finally, claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Seraj in view of Janky et al. and in further view of U.S. Patent No. 6,529,165 to Duffett-Smith et al.

In response to the Office Action, Applicant has amended independent claims 1, 12 and 17 to require a more specific cellular phone geolocation system or method. Specifically, each amended claim requires that the phase delay of each beacon signal be calculated and used to determine the distance between the cellular phone and the respective transmitter. Further, dependent claims 13 and 19 have been amended to correct antecedent bases. Support for these amendments is found in the specification at page 5, line 12 through page 6, line 14.

Amendments are presented herein to improve the readability of the claims, to more clearly define the structure of the invention, and to point out the features which distinguish this invention over the cited art. Accordingly, claims 1-20 remain pending.

Rejections under 35 U.S.C. § 102(b)

In the Office Action claims 1-4, 11, 14 and 17-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,055,434 to Seraj.

In response to the Office Action, each of the independent claims has been amended to require a structure or method for determining a received phase relationship between each pair of beacon signals. Further, each independent claim now requires a structure or method for calculating phase delays for each beacon signal from the received phase relationships. Also, each amended independent claim requires that the phase delays be utilized to determine the distance between the cellular phone and each transmitter. Neither Seraj nor any of the other cited references, individually or in combination, teach or suggest such structure or cooperation of structure.

For instance, Seraj fails to disclose a cellular phone geolocation system or method in which a beacon signal's phase delay is calculated. Consequently, Seraj fails to disclose any structure or method for determining the distance between a cellular phone and a beacon or beacons using phase delays.

In light of the above amendments and arguments, Applicant respectfully contends that amended claims 1, 12 and 17 are not anticipated by Seraj. Further, since claims 2-11, 13-16 and 18-20 depend directly or indirectly from amended independent claims 1, 12 and 17, they are also not anticipated by Seraj.

For the reasons set forth above, Applicant believes the basis for rejecting claims under 35 U.S.C. § 102(b) has been overcome, and the rejections should, therefore, be withdrawn.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 5, 10, 12 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Seraj in view of U.S. Patent No. 5,552,772 to Janky et al. Further, claims 6-9, 15 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Seraj in view of U.S. Patent Application Publication No. 20040092275 to Krasner et al. Moreover, claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Seraj in view of Janky et al. and in further view of U.S. Patent No. 6,529,165 to Duffett-Smith et al.

As stated above, Seraj fails to teach or disclose a cellular phone geolocation system or method in which the phase delay of each beacon signal is calculated and used to determine the distance between the cellular phone and the respective transmitter. These claim requirements are not disclosed or suggested by any combination of the art cited in the rejections under 35 U.S.C. § 103(a). Specifically, none of the references Janky et al., Krasner et al. or Duffett-Smith et al., alone or in combination with another reference, provide the disclosure mentioned above, that is missing from the Seraj reference.

In light of the above amendments and arguments, Applicant respectfully contends that amended claims 1, 12 and 17 are nonobvious with respect to any combination of the cited references. Further, since claims 2-11, 13-16 and 18-20 depend directly or indirectly from amended independent claims 1, 12 and 17, they are

also nonobvious with respect to any combination of the cited references.

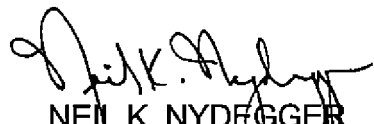
For the reasons set forth above, Applicant believes the basis for rejecting claims under 35 U.S.C. § 103(a) has been overcome, and the rejections should, therefore, be withdrawn.

The references cited by the Examiner, but not relied on for the rejection of claims, have been noted.

In conclusion, Applicant respectfully asserts that claims 1-20 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 19<sup>th</sup> day of September, 2006.

Respectfully submitted,



NEIL K. NYDEGGER  
Attorney for Applicant  
Registration No. 30,202  
Customer No. 23862

NYDEGGER & ASSOCIATES  
348 Olive Street  
San Diego, California 92103  
Telephone: (619) 688-1300